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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,512	07/16/2003	Raymond W. Blasingame	H0004037 (1139.1128101)	8497
22913	7590	05/11/2005	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			ULLAH, AKM E	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/620,512

Applicant(s)

BLASINGAME ET AL.

Examiner

Akm Enayet Ullah

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/17/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Detailed Action***

1. Applicant cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Status of the Application***

2. Claims 1- 34 are pending in this application.
- 3.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cina et al (USPNO. 5537504) in view of Swanson et al (USPNO. 6,445,939) or Liao et al (USPNO. 5,757,830).

6. Cina et al (USPNO. 5537504) discloses an optical assembly for transferring light between an optoelectronic device and an optical fiber comprising:

7. a housing of plastic material adapted to position the face of optical fiber, a lens and the optoelectronic converter (i.e., laser),

8. a lens of plastic material positioned in housing between the face of the optical fiber and the optoelectronic converter,

9. the lens having a first surface adapted to focus light on the optoelectronic converter and to substantially collimate light through lens,

10. the lens having a second surface adapted to focus light in a range of distance along the common axis which is adjacent to the face of the optical fiber,

11. Note that numeral 3 denotes as an asymmetric lens of plastic. The lens 3 has surface 20 & 21, which is spherical or aspherical.

12. Cina et al differs from the claimed invention because he does not explicitly disclose fiber stop (i.e., lens) has an index of refraction approximately the same as the index of refraction of a core of the optical fiber as claimed.

13. Swanson et al (USPNO. 6,445,939) or Liao et al (USPNO. 5,757,830) are the evidence where it mentioned that the index of refraction would be similar. For details see column 9, second paragraph of Swanson et al and column 6, last paragraph & column 9, lines 18-24 of Liao et al.

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14. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the optical assembly of Cina et al in view of Swanson et al or Liao et al since lens and the optical fiber can be made of plastic material and index of refraction can be similar in Swanson et al or Liao.

15. Furthermore, it would have been obvious under 35 USC 103 to use the similar index of refraction as taught by Swanson et al or Liao with the Cina et al since, with both devices being directed to a common use in the same environment, there is an implied suggestion for applying the teachings of one to the other. That skilled worker who is presumed to have knowledge of the prior art, with these references before him, would immediately recognize the desirability of using such teachings taught by Swanson et al or Liao et al to the device of Cina et al, as claimed.

16. It is also noted that applicant has not described this limitation (similar index of refraction of lens and optical fiber) as being critical or as yielding unexpected benefits. Certainly a person of ordinary skill in the art would find it beneficial to minimize back reflections.

#### Cited Prior Art

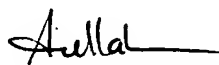
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. De Donno et al (USPNO. 2002/0015560), Sakahuchi et al (USPNO. 4, 490,020), Coden et al (USPNO. 5,201,018), Pommer et al (2003/0201462) and Bernard et al (USPNO. 6,360,039) are also cited to show a typical coupling device between optoelectronic device and an optical fiber and the lens.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akm Enayet Ullah whose telephone number is 571-272-2361. The examiner can normally be reached on Monday through Wednesday 5:30 a.m. – 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2334. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
Akm Enayet Ullah  
Primary Examiner  
Art Unit 2874

AUllah  
May 04, 2005